

March 19, 2003

Honorable Max Baucus
Honorable Conrad Burns
Honorable Dennis Rehberg
United States Congress
Washington, DC, 20515

Dear Colleagues,

As Montana's elected public officials, agencies, and organizations charged with the responsibility of providing a quality education to all Montana students, we write today with one voice to request your assistance in managing new federal mandates and requirements for public education.

As you know, Congress approved the No Child Left Behind (NCLB) Act in January of 2002 with strong bipartisan support. As we have worked to implement this complex, sweeping and well-intentioned legislation in Montana, we remain with the impression that NCLB and its accompanying rules contain expectations that create difficulties in providing quality educational services in a rural state like Montana.

At the core of the problem is the simple fact that 71% of the schools in Montana are in rural areas. Lambert Public Schools with a K-12 enrollment of 102 holds few educational similarities with the Los Angeles Unified School District in California with an enrollment of 746,831. Yet NCLB attempts to hold these very different school systems to the same standards and requirements.

It is important to note that the issues we address are relevant not only in Montana. Nearly 33% of the students in our nation attend school in towns of fewer than 25,000 people. Rural issues in relationship to NCLB are causing similar problems in states throughout the country. Unfortunately, under NCLB, rural states and their schools feel as though they have been forgotten.

As we have worked to implement NCLB, five critical issues have risen to the forefront that will limit our capacity to make the best educational decisions for Montana students and their families. They are: 1) Mandates for "highly qualified teachers"; 2) Minimum budget levels for state administration; 3) Accountability provisions based on insufficient or inadequate data; 4) Data management requirements; and 5) Corrective action in rural counties.

We have attached a summary of these issues for you and your staff to review.

Each of these issues poses great challenges for Montana educators and communities. Without collective determination to address these problems from both the state and federal levels, Montana will continue to experience difficulty in these crucial early stages of implementation.

Montana Delegation NCLB

Page 2

It is our hope and respectful request that you and the other members of Montana's Congressional delegation will express these concerns on our behalf. We are willing to work with you to make sure the spirit of this law is not lost upon the rural school districts across Montana and the United States.

We appreciate all you do on behalf of Montana. Please feel free to contact any of us at any time with questions.

Sincerely,

Judy Martz
Governor

Linda McCulloch
Superintendent of Public Instruction

Kirk Miller
Chairman, Board of Public Education

Eric Feaver
President, MEA-MFT

Lance Melton
Executive Director, Montana School Boards Association

Darrell Rud
Executive Director, School Administrators of Montana

Dave Puyear
Executive Director, Montana Rural Education Association

enclosure
ESEA Implementation Issues in Montana

1. High Quality Teacher requirements: Both in statute and in rule, the federal government has taken a step into the state-controlled domain of teacher licensure. For several reasons Montana currently faces an unprecedented demand for licensed teachers. Unfortunately, this teacher shortage will only be exacerbated by new federal requirements. Worst of all, NCLB gives little regard to the innovative and successful solutions Montana has already implemented to assure high quality teaching in a rural state.

In Montana, teachers who obtain an undergraduate minor in their field can be endorsed to teach in that area. Similarly, Montana has made provisions to allow for broad field science and social studies certifications. This means that a teacher with an undergraduate degree in biology and a certain level of coursework in the other major sciences is considered qualified to teach any secondary science course in the school's curriculum. However, under NCLB, this same teacher would be deemed "not highly qualified."

Montana has placed a great deal of effort and thought into our teacher preparation and licensure standards. We believe our standards work in the best interests of Montana students and are at least partially responsible for that fact that our students consistently score well above national averages on almost all measures of student achievement, including the National Assessment of Educational Progress (NAEP).

Request: We request that the NCLB statute be changed to allow states to waive the most stringent requirements for highly qualified teachers so long as states can demonstrate that their students perform as well as or better than national averages as determined by NAEP. Additionally, waivers could specify that a state's eligibility for the waiver would be rescinded if the percentage of fully licensed teachers (as determined by current state standards) declines.

2. Budget Levels for State Administration: Montana receives the minimum amount of funding for ESEA Title I administration. However, our state Office of Public Instruction serves a landmass that is roughly equal in width to the distance from Portland, Maine to Chicago, Illinois, with over 450 school districts in between. Our state Office simply cannot provide the technical assistance and resources necessary to implement and enforce the provisions of the NCLB Act in our large, rural state.

Request: In order for Montana to have the opportunity of fulfilling the expectations of NCLB, new provisions for administrative costs in rural states must be made. The federal minimum levels are unable to provide the technical assistance necessary. In addition, because of the limited size and scope of our state Office of Public Instruction, more technical assistance from the Department of Education is necessary. We

request that the federal minimum levels for Title I administration dollars be expanded and that the Department develop a strategic action plan for providing additional technical assistance to rural states.

If full funding is not available, then we respectfully submit that broader timelines to allow states and districts to manage their workload accordingly are needed. This is especially true in regard to establishing data systems and reporting tools necessary for implementation.

3. **Accountability Based on Problematic Data:** Reliability of test data is essential when making the high-stakes decisions required by NCLB. While standardized tests may work well in large classes, where many students take a particular test, results may be skewed in rural schools where a class is made up of a small number of students. The possibility that a school or district's result could be significantly impacted by the performance of one or two students is very real. This will make progress difficult to measure and "failure" a virtual certainty in some cases. Montana needs time to analyze how we will test, analyze, and report school success given the statistical problem of accurately measuring student achievement with limited populations.

To add to our dilemma, Montana is moving to a new, criterion-referenced assessment for the purposes of compliance with ESEA. Under the reauthorized ESEA, Montana must continue to use its current, norm-referenced test as a baseline for future adequate yearly progress measures and then "align" past scores with scores on the new test. We believe this is simply not a sound means of determining real student achievement over time.

Request: Because of the vast disparities in the tests utilized and the fact that Montana's new test will be ready for implementation next year, Montana requests that our schools be exempt from NCLB accountability provisions for at least one year (until the 2004-2005 school year) based on the rationale that our current test was never intended for use in determining individual student proficiency levels. We also request that the Department of Education spend time and resources to work with rural states to determine better approaches to measuring quality than those offered in the current legislation.

4. **Data Management:** Given the many demands related to test scores and accountability within NCLB, states must acquire data management systems and expertise that far exceeds what currently exists in Montana.

Request: To address this glaring need, we request that the Department of Education contract with public or private expertise to provide technical assistance specifically related to data management to rural states. Given important planning deadlines that are approaching, we need

this technical assistance to be immediate and on-site so that we can confidently work with Montana educators to establish meaningful standards for AYP and school district reporting.

5. Corrective Action: Another concern is that due to the requirement that all subgroups demonstrate adequate yearly progress every year on the assessment, we believe it is probable that well over 50% of rural schools that receive Title I funding will be labeled as a school in need of improvement within two or three years.

The motivation for schools to comply with NCLB requirements is clear. However with the isolated nature of many schools in rural states the corrective action of school choice also causes concerns. With many schools being the only one not only in their district but county as well, the long travel distance that can come with school choice will significantly impact rural districts.

Request: There are two solutions to these concerns. The first would allow extensions of adequate yearly progress before classifying rural schools as in need of improvement. By delaying corrective action the schools will have the flexibility to meet the goals. Another solution is to grant waivers from the school choice provision to severely isolated schools. These two possibilities would ensure compliance through flexibility.